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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,085	12/30/2003	Jacob H. Morelissen	25355A	7960
22889	7590	08/01/2005	EXAMINER	
OWENS CORNING 2790 COLUMBUS ROAD GRANVILLE, OH 43023			HORTON, YVONNE MICHELE	
			ART UNIT	PAPER NUMBER
			3635	
DATE MAILED: 08/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/749,085

Applicant(s)

MORELISSEN ET AL.

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 14-24, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 10-13 and 25-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/21/04 & 4/24/05
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,14-18,29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #3,096,033 to FRANCK et al.

In reference to claim 1, FRANCK et al. discloses a ceiling panel having a main frame similar to (23,24) and (39,40,43,44), at least two crossing members (31,32) and (41,42), and facing material (33,34) and (38) adhered to the main frame (23,24) and (49,40,43,44). In reference to claim 2, the main frame (23,24) and (39,40,43,44) and crossing members (31,32) and (41,42) are one-piece, column 1, lines 17-19. Regarding claim 3, the main frame (23,24) and (39,40,43,44) and the crossing members (31,32) and (41,42) are molded plastic, column 1, lines 17-19. In reference to claim 14, the main frame (23,24) and (39,40,43,44) is square. Regarding claim 15, the crossing members (31,32) and (41,42) are arranged in an X-shape".

In reference to claim 16, discloses the method of making a ceiling panel including the steps of providing a main frame (23,24) and (39,40,43,44), providing first and second crossing members (31,32) and (41,42), providing a facing material (33,34) and (38), affixing the facing member to the main frame (23,24) and (39,40,43,44) and the crossing members (31,32) and (41,42). Regarding claim 17, the main frame (23,24)

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and (39,40,43,44) and crossing members (31,32) and (41,42) are one-piece, column 1, lines 17-19. Regarding claim 18, the main frame (23,24) and (39,40,43,44) and the crossing members (31,32) and (41,42) are extruded plastic, column 1, lines 17-19. In reference to claim 29, the main frame (23,24) and (39,40,43,44) is square. Regarding claim 30, the crossing members (31,32) and (41,42) are arranged in an X-shape”.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4-9 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,096,033 to FRANCK et al. FRANCK et al. discloses the basic claimed structure except for the specific material of the main frame and cross members and except explicitly detailing that the main frame and crossing members are welded. FRANCK et al. discloses that his ceiling member is made from plastic; however, he is

not particular as to the type of material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the main frame and crossing members out of a flame retardant plastic material since it would have been obvious to select a known material on the basis of its suitability for the use intended as an obvious matter of design choice. If the panel is being used in an environment known for exposure to excessive moisture, perhaps plastic is suitable. However, if excessive water or moisture is not an issue, then may be a steel or aluminum panel would be appropriate.

#### ***Allowable Subject Matter***

Claims 10-13 and 25-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Yvonne M. Horton  
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6/26/05